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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 ALEMAYEHU JIMMA,

8 Plaintiff,

9 v.

10 CITY OF SEATTLE, et al.,

11 Defendants.

Case No. 2:18-cv-001819-RSL

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

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13 Plaintiff, filed an amended complaint against Seattle Police Officers Jennifer Gardner,  
14 Steven Bale and Cory Williams. Dkt. 5. Plaintiff alleges: “falsely charged me of a crime #63248,  
15 racial profile by changing my identity. Child negligence and cover up abuse.” *Id.* As relief he  
16 asks the court to reopen the investigation against him and to “remedy criminal complaint  
17 #63248.” *Id.* On January 28, 2019, plaintiff filed a motion for appointment of counsel. Dkt. 7.  
18 The motion has been referred to the undersigned judge. The Court has reviewed the motion and  
19 the record in this case and **DENIES** the motion. Dkt. 7.

20 There is generally no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d  
21 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under 28  
22 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections Corp.*  
23 *of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine if “exceptional circumstances” exist,

1 the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff]  
2 to articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt*  
3 *v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

4 Plaintiff requests appointment of counsel because he contacted 5-6 lawyers but they have  
5 not taken his case, he is disabled and has language barriers, and “the legal challenges are  
6 complex.” Dkt. 7. The pleadings plaintiff filed are in English and thus plaintiff’s language barrier  
7 has not impeded plaintiff from pleading his case. Plaintiff’s contention he has no legal  
8 experience is not an exceptional circumstances because this does not place him in a position that  
9 is any different from other *pro se* plaintiffs living in the community. In addition, the amended  
10 complaint on its face does indicates the likelihood of success may be problematic. To the extent  
11 plaintiff has been charged with a crime that is still pending, his lawsuit about a false arrest need  
12 to be addressed in the City or State Court as a federal court normally must abstain from  
13 interfering with on-going state criminal cases. If plaintiff is claiming his arrest led to a criminal  
14 conviction, his civil rights claim may also falter, as civil rights claims seeking to reverse or  
15 dismiss a criminal conviction are normally not permitted. Accordingly appointment of counsel is  
16 presently not justified, and the Court **DENIES** the motion (Dkt. 7). The Clerk shall provide a  
17 copy of this Order to plaintiff.

18 DATED this 30th day of January, 2019.

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21 BRIAN A. TSUCHIDA  
22 Chief United States Magistrate Judge  
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